IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3074 OF 2006

Chandrabhaga Dattatraya Vedpatak
since deceased through LRs.
1. Hemant Suresh Vedpatak .. Petitioners.
Vs.
1. Vasant Shankar Sonar & Anr. .. Respondents.

Mr.P.S.Dani for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 23RD AUGUST, 2006

P.C.:

. Heard learned counsel for the petitioners.

2. By this writ petition, the petitioners have challenged the order passed on the application at Exhibit-47 filed by him under Order 26 Rule 9 of the Code of Civil Procedure seeking an appointment of the Court Commissioner for survey and measurement of the house property, bearing No.541, Nana Peth, Pune. That application has been rejected. I do not deem it proper to interfere with this order since it is always open for the petitioners to privately approach the concerned authority for measurement of the house property and rely upon the survey report and also to examine the concerned officer. In the circumstances this writ petition is disposed of with liberty to the petitioner to get the house property bearing CTS No.541 measured/surveyed privately. Let me make it

clear that even if the petitioners approach the concerned authority as aforestated, the trial Court need not stay the proceedings and/or the petitioners shall not seek an adjournment on that ground. The petition is, accordingly, disposed of.

(D.B.Bhosale, J.)